

REMARKS

The Office Action of November 8, 2010 has been reviewed and the following remarks are responsive thereto. Claims 26, 27, 32 and 33 have been amended. Claims 35 and 36 have been added. No new matter has been added. Applicants respectfully submit that the pending claims are allowable and request prompt notification of the same.

IDS

Applicants are filing herewith this Response, the English Abstract for KR1020010001458, a foreign reference previously submitted on January 19, 2011 without the English Abstract. In addition, Applicants are submitting U.S. Patent Application Publication Nos. 2001/0010733 and 2001/0018054 (which correspond to U.S. Patent No. 6,731,293 and 7,058,214), the US patents were also cited in the IDS submitted on January 19, 2011.

Drawings

The drawings (and particularly, replacement drawing for FIG. 11) have been rejected as being not acceptable, and allegedly adding new matter. Without acquiescing, Applicants have re-submitted the originally-filed version of FIG. 11 thereby rendering this rejection moot.

Specification

The amendments to the specification are still objected to for allegedly adding new matter. Without acquiescing, Applicants have now amended the portions of the specification alleged to be new matter to recite verbatim language used in the originally-filed specification, thereby rendering this objection moot.

Claim rejection under 35 U.S.C. § 103

Claims 26-28 and 32-33 stand rejected as being unpatentable over AAPA in view of Kiyoshi et al., JP 63-199589 (hereinafter Kiyoshi). Applicants respectfully traverse.

One highly relevant inquiry in making an evaluation under 35 U.S.C. §103 is “[t]he relationship between the problem which the inventor. . . was attempting to solve and the problem to which any prior art reference is directed.” *Stanley Works v. McKinney Mfg. Co.*, 216 USPQ, 298, 304 (Del. D.C. 1981). Thus, in analyzing the prior art under Section 103 of the Act, we must clearly comprehend the problem addressed by the present inventors and that problem must be compared or contrasted, as the case may be, with the problems addressed by the prior art.

Pursuing further the “problem” analysis required under Section 103 of the U.S. Patent Act, the applicability of any reference against the claims of a pending U.S. patent application requires compliance with *In re Gibbons*, 100 U.S.P.Q. 298, where it is stated:

In considering the questions of invention, it is necessary to determine whether or not the art relied upon contains adequate direction for the practice of the invention without resort to the involved application. (Emphasis added)

Accordingly, Applicants would like to point out that the AAPA fails to recognize the problem of degrading the quality unique to films produced as film grains. *See* paragraph [0024] of U.S. Pub. No. 2007/0002947. Notably, Kiyoshi similarly fails to recognize said problem. In stark contrast, Kiyoshi is directed to choosing a decoded signal or a filtered signal based on whether high movement or low movement is suggested by the pictures. *See* Kiyoshi, abstract. In other words, both the AAPA and Kiyoshi fail to recognize the problem solved by the present invention, namely, wherein film grains are reduced for reference pictures so that coding efficiency is improved while the film grains are left for output pictures so that the quality of the films is not degraded. *See* paragraph [0029] of U.S. Pub. No. 2007/0002947.

Indeed, such a distinction is reflected by the claims. For example, claim 26 recites, *inter alia*, that,

"the decoded picture having film grains...the filtered picture removing film grains of the decoded picture...wherein the filtering application information indicates outputting the decoded picture with the film grains when film grain quality is not to be degraded...storing the filtered picture as a reference picture in a memory by using a storing unit, the filtered picture for decoding another picture outputting the decoded picture, using an outputting unit, in the case where the filtered picture is the reference picture and the filtering application information indicates the decoded picture is outputted for the display process outputting the decoded picture, using an outputting unit, in the case where the filtered picture is the reference picture and the filtering application information indicates the decoded picture is outputted for the display process"

Such features are not taught or suggested in the AAPA. For example, as discussed in paragraphs [0023-0024] of U.S. Pub. No. 2007/0002947, the prior art apparatuses filter the decoded signal without preserving film grains, thus degrading the quality unique to films. Moreover, Kiyoshi further fails to remedy the deficiencies of the AAPA. More particularly, Kiyoshi fails to teach or suggest the feature of wherein the filtering application information indicates outputting the decoded picture with the film grains when quality is not to be degraded as recited in amended claim 26. Indeed, Kiyoshi is only concerned with high movement or low movement when determining whether to output a decoded signal or a filtered signal. In other words, consider the scenario where the pictures are all from film (and thus have the film grains): the apparatus of Kiyoshi would output the filtered version of the pictures if they correspond with high movement and output the decoded version of the pictures if they correspond with low movement contrary to the behavior of the apparatus of claim 26 which is concerned with "outputting the decoded picture with the film grains when film grain quality is not to be degraded" as recited.

Therefore, even assuming, but not conceding that a combination of AAPA and Kiyoshi is proper, such a combination would not have resulted in each and every feature of claim 26. Thus, claim 26 is allowable.

Amended independent claim 32 recites features similar to those discussed above with respect to claim 26 and is allowable for the same reasons as claim 26.

Claims 27-28 and 33 depend on claims 26 and 32, and are allowable for at least the same reasons as their base claims, in addition to the advantageous features recited therein.

New Claims

Claims 35 and 36 have been added. No new matter has been added. Support for claims 35 and 36 may be found at paragraph [0132] of U.S. Pub. No. 2007/0002947 and FIG. 11, as originally filed. Applicant respectfully submits that the AAPA and Kiyoshi, alone or in combination, fail to teach or suggest at least the claim 35 features of:

“an output unit configured to selectively output pictures based upon a filter application designation, the filter application designation including an option, the option being selected from a list of options, comprising:

a first option corresponding to outputting the first version of the picture and all other unfiltered pictures in a stream,

a second option corresponding to outputting the second version of the picture and all other filtered pictures in a stream,

a third option corresponding to outputting only the first version of the picture, and

a fourth option corresponding to outputting only the second version of the picture.”

Therefore, claim 35 is allowable over AAPA and Kiyoshi. Claim 36 depends on claim 35 and is allowable for at least the same reasons as claim 35, and in further view of the advantageous features recited therein.

Applicant believes the present application is accordingly allowable.

If the Examiner believes a telephone interview will further the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.



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